

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CANDACE RAY,	:	CIVIL ACTION
	:	
Plaintiff,	:	NO. 02-4382
	:	
v.	:	
	:	
ABINGTON TOWNSHIP, CHIEF OF	:	
POLICE WILLIAM KELLY, POLICE	:	
OFFICER NISBET, POLICE OFFICER	:	
J. KING, POLICE OFFICER BRUCE	:	
HASLAM, POLICE OFFICER MATZ,	:	
POLICE OFFICER RAWTZ, POLICE	:	
OFFICER SCHOLL, POLICE OFFICER	:	
MANN, ABINGTON MEMORIAL	:	
HOSPITAL AND MARK SHNEA,	:	
	:	
Defendants.	:	

ORDER

AND NOW, this 26th day of June, 2003, upon consideration of Defendants Abington Township's, Chief of Police William Kelly's, Officer Nisbet's, Officer King's, Officer Haslam's, Officer Matz's, Officer Rawtz's, Officer Scholl's, Officer Mann's, Abington Memorial Hospital's and Mark Shnea's Motion to Dismiss Plaintiff Candace Ray's Amended Complaint Pursuant to Federal Rule of Civil Procedure 12(b)(6) (Docket No. 15) and Plaintiff's Response thereto (Docket No. 17), it is hereby **ORDERED** that Defendants' Motion is **DENIED**. Plaintiff's Amended Complaint could be more artfully plead, and while it is possible that some counts will not survive at the summary judgment stage, the Amended Complaint is sufficient to withstand this Motion to Dismiss.

It is hereby noted that Count IV of Plaintiff's Amended Complaint against the Township of Abington and the individual police officers for excessive force is amended as requested by plaintiff so that it is made pursuant to the Fourth Amendment rather than the Fourteenth Amendment.

BY THE COURT:

RONALD L. BUCKWALTER, J.